

REMARKS

Claims 1-47 are presently pending in the application. Claims 1-18, 22-29 and 34-38 have been withdrawn from consideration and Claims 19-21, 30-33, and 39-47 have been objected and/or rejected for various reasons. Claims 21, 40, 45, and 46 have been amended and Claim 47 has been cancelled. Accordingly, after entry of the present amendment Claims 19-21, 30-33, and 39-46 will be pending.

CLAIM OBJECTIONS

The Examiner has objected to claims 19, 21, 40, 45 and 47.

Since Claim 47 contains no reference to a GUI, Applicant believes the Examiner's objection to Claim 47 ("GUT" should be re-written as "graphical user interface") was intended for Claim 46. Accordingly, Applicant has amended Claim 46.

In regard to Claim 19, Applicant believes the Examiner's suggestions, for example, changing "water installation parameters" to "water parameters associated with the water installation" are a matter claim drafting preference (as the substance and intent of the claim would remain the same). Accordingly, Claim 19 remains unchanged from Applicant's previous response.

However, in regard the Examiner's objections relating to Claims 21, 40, 45, and (47 which, as noted above, Applicant believes applies to Claim 46) Applicant has made amendments to each of those claims, as indicated below.

Accordingly, Applicant believes the Examiner's objections have been overcome and respectfully request those objections be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. §112

Claims 45 and 47 have been rejected under 35 U.S.C. §112 for allegedly introducing new matter. The Examiner alleges that Claim 45 “said server being accessible from said sensor only via an Internet connection.” and Claim 47 “...and the internal gateway and the data acquisition subsystem...” are not supported in the specification.

In regard to Claim 45, Applicant respectfully directs the Examiner to the follow passage, “Persons of ordinary skill in the art will also understand that, in any particular implementation for a given pool/spa, the connection to the server 100 may be only through a dial-up connection, or only through a high-speed connection; or through some other suitable means or combination of communication technologies.” (original specification, pg. 9, lines 2-23; and pg. 10., line 1)

Applicant respectfully submits that the aforementioned passage as well as specific references to the Internet, including statements such as, “Among other things, FIG. 2 illustrates both high-speed home-Internet connections . . .” (original specification, pg. 9, lines 8-9) sufficiently disclose and reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Accordingly, Applicant respectfully requests the Claim 45, §112 rejection be withdrawn.

Claim 47 has been cancelled.

CLAIM REJECTIONS - 35 U.S.C. §103

The Examiner also has rejected claims 19-21, 30-33 and 39-47 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,616,239 (“Wendell”) in view of U.S. Patent No. 6,363,422 (“Hunter”).

Of the above-referenced rejected claims, claims 19, 30, 39, 40 and 45 are independent. Accordingly, once patentability of those claims is established, all claims depending from them (including all other pending claims) are likewise allowable.

U.S. Patent No. 6,363,422 to Hunter et al

Hunter discloses communication between a client device 10 and infrastructure equipment 14 using the equipment's "native language protocol". At the time of Hunter, for testing and/or monitoring of high level or relatively more complex devices, such as those disclosed in Hunter, equipment manufacturers and vendors typically defined their own native language protocols. (col. 10, l. 15-31) However, relatively less complex equipment (commonly referred to in the art as "legacy equipment"), such as pool and spa technologies, lacked the requisite "vendor specific native language protocol" with which to be accessible or enabled by Hunter.

Accordingly, Applicants' invention discloses an approach with which legacy equipment (having no defined native language protocol) can be monitored and/or controlled using an Embedded Internet Apparatus, such as the TINI module (electronic data acquisition and control device), which exists separate from the legacy equipment.

In this regard, Applicants disclose additional hardware for connecting the pool/spa system to the electronic data acquisition and control device (such as the TINI), and the software for support of the remote Internet-based access via a web-browser which is also required. The TINI or similar device is an "enabling" device that allows one embodiment of Applicant's invention to be practiced. However, a device such as the TINI, by itself is not adequate to enable Hunter to be practiced as a pool and/or spa control system, because, for example, "legacy" equipment lacks the level of connectivity required by Hunter.

Accordingly, Applicants respectfully submit that Applicants' claimed inventions were not obvious to those skilled in the art.

U.S. Patent No. 5,616,239 to Wendell et al

Wendell discloses a pool control system that automatically maintains a selected water level. However, as indicated, in the Examiner's Office Action dated July 19, 2004, Wendell does not specifically teach the use of a network interface for providing a web based network connection between a remote computer/server and the data acquisition and control device." (pg. 4, paragraph 5)

In this regard, the Examiner relies on Hunter to teach such use of a network interface for providing a web based network connection between a remote server and a data acquisition and control device" (pg. 4, paragraph 5).

However, as explained above, unlike Applicants' network connectivity that considers equipment having no native language protocols, the network connectivity of Hunter pertains only to equipment having such existing "native language protocols".

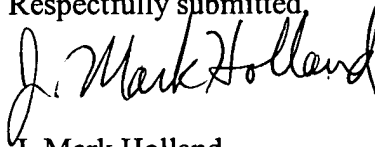
Accordingly, Applicant respectfully submits Wendell and Hunter, alone or in combination, do not teach, disclose, or make obvious Applicant's claimed inventions.

In view of the amendments and remarks set forth above, it is thought that the application including claims 19-21, 30-33 and 39-46 are now in condition for allowance, notice whereof is respectfully requested of the Examiner.

If the Examiner has any questions regarding the foregoing, or if the Examiner would like to discuss any remaining or new issues regarding this communication, the Examiner is invited to contact the undersigned representative of Applicant at (949) 718-6750.

Date: December 20, 2004

Respectfully submitted



J. Mark Holland
Reg. No. 32,416

J. Mark Holland & Associates,
a Professional Law Corporation
3 Civic Plaza, Suite 210
Newport Beach, California 92660
Telephone: 949-718-6750
PTO Customer Number 21,259

JMH/map

Enclosures: Transmittal (1 page), Petition for Extension of Time (2 months, 1 page), Credit Card Authorization Form (1 page), and Return Receipt Postcard.

Z:\WinWord\VTI\P2702\RESP02.DOC